

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

THOMAS ALLEN GORDON,

Plaintiff,

v.

LARRY MALCOLM,

Defendant.

Case No. C05-5838RBL

ORDER DISMISSING
FRIVOLOUS COMPLAINT
PURSUANT TO 28 U.S.C. §
1915

The Court, having reviewed the Report and Recommendation of Magistrate Judge J. Kelley Arnold, objections to the report and recommendation, if any, and the remaining record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation;
- (2) Plaintiff's complaint is DISMISSED;
- (3) The Clerk is directed to terminate this action pursuant to **28 U.S.C. § 1915(e)** and to count this as a dismissal under **28 U.S.C. § 1915(g)**; and
- (4) The Clerk is directed to send copies of this Order to plaintiff and to the Hon. J. Kelley Arnold.

DATED this 17th day of April, 2006.


RONALD B. LEIGHTON
UNITED STATES DISTRICT JUDGE